IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Contempt Petition No. 241 of 2003

Anand Singh …… Petitioner

Versus

A.K. Baliyan,
Director, Human Resources (H.R.)
Oil & Natural Gas Corporation Ltd.,
Dehradun and another ……. Respondents

Mr. J.C. Joshi, learned counsel for the petitioner.
Mr. L.P. Naithani, learned senior counsel assisted by
Mr. J.P. Joshi, learned counsel for the respondents.

Hon'ble P.C. Pant, J.

Heard learned counsel for the parties.

2) This is a contempt petition, moved under the Contempt of Courts Act, 1971 alleging the willful disobedience of the order dated 22nd July 2003 passed by the Division Bench of this Court in writ petition No. 327 (S/B) of 2001.

3) The notice were issued to the opposite parties for their response. A short counter affidavit has been filed on behalf of opposite party No. 2.

4) The impugned direction contained in the writ petition reads as under:-

> *"Having regard to the facts of the case, we direct the authorities to reconsider the case of the petitioners for promotion on the post reserved for Scheduled Tribes candidate within a period of one month from the date of production of certified copy of this order."*

5) In the reply given in the form of short counter affidavit, it has been stated in its para No. 7 that on the direction to reconsider the matter, the same was considered and the order dated 25.08.2003 was passed. It is further stated in said short counter affidavit that petitioner even after the revised relaxation criteria could not be selected. Learned counsel for the petitioner submitted that the bifurcation of the marks have been made in passing the said order dated 25.08.2003 which is annexed as Annexure- 2 to the affidavit field by the petitioner in violation of the judgment of which disobedience is complained. On perusal of the judgment and order dated 22.07.2003 passed in writ petition No. 327 (S/B) of 2001, this Court did not find direction as to bifurcate or not to bifurcate the marks. The simple direction was relating to reconsider the matter for promotion which appears to have been complied with as is clear from the Annexure- 2 to the affidavit filed by the petitioner itself. Learned Counsel for the petitioner raised the issue relating to the correctness of the decision taken in reconsideration of the matter of the petitioner. However, jurisdiction of this Court is confined only to willful disobedience of the impugned order and not to the correctness of the decision taken by the respondents in compliance of the impugned order. Learned senor counsel for the respondents drew my attention to the principal of law laid down in Lalith Mathur V. L. Maheshwara Rao (2000) 10 Supreme Court Cases 285 in which Hon’ble the Apex Court has held that the correctness of the rejection of the representation, after consideration of the same in compliance of the Court’s direction, cannot be questioned in the proceedings under the Contempt of Courts Act.

6) In view of the above decision and the discussion as above, this Court does not find commission of willful disobedience on the part of the opposite parties, as such the contempt petition is dismissed with the observation that the petitioner is at liberty to challenge the correctness of the decision as to his promotion on reconsideration through appropriate proceedings. The notices stand discharged accordingly.

(P.C. Pant, J.)

Dt.:24th September, 2004
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